

OFFICE OF THE MONITOR
NUNEZ, ET AL. V. CITY OF NEW YORK, ET AL.

Steve J. Martin
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April 28, 2023

VIA ECF

The Honorable Laura Taylor Swain
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10006

Re: Nunez, et al. v. City of New York, et al., 11-cv-5845 (LTS) (JCF)

Dear Chief Judge Swain,

We write to provide the court with a revised chart of the Monitoring Team's recommendations that was originally provided in the April 24, 2023 Monitor's Status Report (dkt. 520). The chart of the Monitoring Team's recommendations has been updated to include a few recommendations that were inadvertently excluded from the original chart¹ and the language for a few recommendations was slightly modified. The updated chart of Monitoring Team recommendations is attached as Appendix A. The Monitoring Team has provided in Appendix B, a redline that compares the chart from the April 24th Report and the revised chart in Appendix A.

Sincerely,

s/ Steve J. Martin
Steve J. Martin, *Monitor*
Anna E. Friedberg, *Deputy Monitor*
Christina B. Vanderveer, *Associate Deputy Monitor*

¹ The recommendations added to the chart of Monitoring Team recommendations were discussed in detail in the narrative of the April 24, 2023 Monitor's Status Report and were just inadvertently excluded from the chart.

APPENDIX A:

MONITOR RECOMMENDATIONS

Monitoring Team Recommendations to Address Certain Initiatives*Updated April 25, 2023*

The chart below provides a comprehensive list of the recommendations that the Monitoring Team has made to address certain initiatives in the Action Plan and were discussed in the April 3, 2023 and April 24, 2023 Status Reports. Certain recommendations from the April 3, 2023 Monitor's Report have been revised because the Monitoring Team has obtained additional information that has necessitated revisions to the original recommendations (e.g. as discussed in this report), additional clarity to the recommendation was needed, or further consideration by the Monitoring Team led to the need for modification or alteration to a recommendation. This chart is the complete and current set of recommendations from the Monitoring Team and overrides any recommendations otherwise described in the April 3, 2023 Monitor's reports.

Recommendations	April 3 Report Page Reference	April 24 Report Page Reference
Security Practices		
Improved Security Practices: Improved security practices, reducing the use of excessive and unnecessary force, and the resulting improvement in facility safety is undoubtedly the most important aspect of advancing the reforms and achieving compliance with the Consent Judgment. It is for this reason that the requirements enumerated in the Action Plan § D. (Security Practices) must remain a top priority.	Pgs. 36-63	N/A
Investigations		
Deputy Commissioner of ID: Recruit an appropriately qualified, permanent Deputy Commissioner of ID.	N/A	Pg. 7
Improve Quality of Investigations: ID, in consultation with the Monitoring Team, must implement a concrete plan to improve the quality of investigations going forward.	N/A	Pgs. 4-7

Recommendations	April 3 Report Page Reference	April 24 Report Page Reference
Conducting Investigations Without Fear or Favor: investigators and supervisors must be advised that investigations are to be conducted without fear or favor, that the requirements of the Consent Judgment are to be adhered to, and that all staff within ID are encouraged to work collaboratively with the Monitoring Team.	N/A	Pg. 7
Improved Training: Improve training curricula for new investigators and for ID refresher training to ensure they are consistent with the requirements of the Court's orders and directly address the concerning practices identified in 2022 and 2023.	N/A	Pg. 6
Quality Assurance Program: A quality assurance program must be instituted to assess those use of force investigations that are closed with no action.	N/A	Pg. 6
Re-evaluate Certain 2022 and 2023 Investigations: ID must reevaluate certain 2022 and 2023 investigations where additional scrutiny is merited to ensure the robust identification of all staff misconduct. ID, in consultation with the Monitoring Team, shall develop appropriate criteria to identify such cases.	N/A	Pg. 7
Assignment of ID Investigators: The number of ID investigators and supervisors dedicated to working on UOF investigations must be significantly increased by either: (1) re-assigning investigators from SIU to ID, and (2) through aggressive recruitment efforts. In particular, to entice candidates to work at the Department, the City will likely need to further increase the salary and/or benefit package available to investigators given that initial efforts have not resulted in the number of candidates needed to fully staff ID.	N/A	Pg. 9
Intake		
Appoint Dedicated Leadership of Intake Department-Wide: A dedicated leader should be appointed to manage the Department's intake functions (<i>see</i> pg. 88 of the April 3, 2023 Monitor's Report).	N/A	Pg. 13
Implementation of ITS to Track Intra/Inter-Facility Transfers: Support the roll-out of ITS tracking and the Dashboard at all facilities to ensure they are incorporated into practice, including that each facility have clear procedures and appropriate working space to ensure staff can accurately enter data into ITS, regardless of competing priorities. As part of this work, the Department should begin to assess <i>why</i> staff in each facility are not utilizing the ITS tracking as they have been trained to do. While stating expectations and training staff are important components of implementation, they are often insufficient unless they are informed by an understanding of what gets in the way of meeting the expectations. The	N/A	Pgs. 13-14

Recommendations	April 3 Report Page Reference	April 24 Report Page Reference
<p>facilities vary in size and intake traffic and experience different obstacles and barriers to compliance. The Monitoring Team recommends that the Department assess <i>what</i> kind of operational changes are needed to respond to these barriers and <i>how</i> they may be implemented to increase compliance within each facility's intake. This should also include On-the-Ground Oversight described on page 85 of the April 3, 2023 report.</p>		
<p>Management of the Quality Assurance Process for New Admissions and Inter/Intra Facility Intake Data: The Department must identify <i>practical</i> quality assurance strategies, in consultation with the Monitoring Team, for assessing whether staff are following established procedures (<i>see</i> pgs. 84- to 87 of the April 3, 2023 Monitor's Report). Most recently, the Deputy Commissioner of Operations' staff has initiated a few procedures intended to assess compliance with tracking requirements. A Facility Operations Team consisting of uniformed staff from the Deputy Commissioner of Classification's office has been monitoring the operation of the intake units. They are ideally suited to the task described above. As that work unfolds, the Monitoring Team recommends that formal protocols are developed that document any findings or recommendations identified by the team and what is communicated to the facilities, along with the responses received from the facilities. Further, the Legal Division has endeavored to collect relevant data. However, neither effort has been particularly formulaic, and the results of these efforts have not been compiled in a meaningful way that could establish appropriate proof of practice or be verified by the Monitoring Team. The Monitoring Team recommends that the Nunez Compliance Unit ("NCU") be engaged in collecting and managing the various data and information that is prepared by the Deputy Commissioner of Operations office and Legal Division about the various initiatives underway so the information can be consistently and routinely reviewed. NCU's specific expertise and dedicated resources are well suited for this task to obtain the relevant information, analyze it and routinely evaluate and report out findings.</p>	N/A	Pgs. 14-15
<p>Additional Reporting by the Department: Given the current state of affairs, the Monitoring Team recommends that the City and Department file two additional reports on the status of intake before the next Monitor's Report, one on May 17, 2023 and another on June 16, 2023.</p>	N/A	Pg. 15

Recommendations	April 3 Report Page Reference	April 24 Report Page Reference
ESU²		
ESU Leadership and Staffing: ESU must be reconstituted to include leadership that embraces the goals of the Consent Judgment and that directs its staff to manage crises in ways that reduce harm rather than amplify it	N/A	Pg. 18
Training ESU Staff: Create and implement the two-day in-service refresher training for ESU (and SRT) in consultation with the Monitoring Team. ³	N/A	Pg. 18
Revise ESU Screening Policy: Revise Operations Order 24/16 (Special Unit Assignment) to eliminate the loopholes identified in the April 3, 2023 Monitor's Report.	N/A	Pg. 18
Screening Procedures for Assignment of ESU: Improve processes for screening, and the individuals appointed to conduct said screenings, and ensuring adequate oversight to ensure that the screenings are appropriate and reliable and are not susceptible to potential malfeasance	N/A	Pg. 18
Screening of Staff Assigned to ESU: Screen all current ESU staff (both permanent and support teams) for suitability of assignment.	N/A	Pg. 18
Revise ESU CLOs: Relevant ESU's command level orders related to use of force must be updated, in consultation with the Monitoring Team.	N/A	Pg. 18
Supervision		
Assistant Commissioners of Operations: On-board the new Assistant Commissioners of Operations as quickly as possible to provide the long-awaited leadership, expertise and hands-on/eyes-on supervision that the facilities need to truly begin their culture change.	Pg. 221	N/A
Deployment of Supervisors: Complete efforts to redeploy supervisors to the facilities and to ensure their presence throughout evenings and weekends to properly oversee staff assignments and to provide much needed on-the-ground coaching and guidance to officers.	Pg. 035	N/A
Support for Supervisors: Department must make it a high priority for the Deputy Wardens and Wardens to actively supervise and provide in-service training to these newly promoted ADWs to ensure	Pg. 136	N/A

² These recommendations apply to the Emergency Services Unit or any unit that may serve the same function, but may utilize a different name.

³ Consultation with the Monitoring Team on this training has already been initiated by the Deputy Commissioner of Training.

Recommendations	April 3 Report Page Reference	April 24 Report Page Reference
that the quality of the supervision improves.		
Facility Leadership: The Assistant Commissioners of Operations must be on-boarded as quickly as possible to provide the long-awaited leadership, expertise and hands-on/eyes-on supervision that the facilities need to truly begin their culture change. This mentorship and support is acutely necessary starting with the DW, ADW and Captain ranks such that they can properly motivate, guide and shape the practices of their subordinates. Five Assistant Commissioners of Operations are scheduled to begin work in April 2023.	Pg. 221	N/A
Screening/Promotions		
Evaluation of Candidates for Promotion: Carefully evaluate candidates for Deputy Warden to determine if a candidate without one-year jail experience is appropriate for promotion. While there may be candidates for which this exception is appropriate (e.g., the Executive Director of the Classification Unit), supervision experience in the jails is a key component in understanding and assessing the facility operations and practices that underpin this work.	Pg. 212	N/A
Revise Screening Policy: The erroneous removal of the provision regarding the ranking of outstanding candidates should be reinstated in the Department's screening policy.	Pg. 212	N/A
Scrutinize ADWs not Recommended for Promotion: The Department should carefully scrutinize the 12 recently promoted staff with concerning screening information, provide necessary support to these staff while they are in their 1-year probationary period, and closely review and assess any misconduct (use of force or otherwise) before their probationary period expires.	Pg. 216	N/A
Revise Screening Policy: The Monitoring Team recommends that the Department improve the rigor of its screening procedures and revise its Pre-Promotional Screening policy, in consultation with the Monitoring Team, to address the concerns identified in the April 3, 2023 Monitor's Report.	Pg. 216	N/A
Discipline		
Eliminate the Backlog of UOF Disciplinary Cases Pending 1 Year or More from the Incident Date: The Monitoring Team recommends that all pending use of force disciplinary cases that occurred between January 1, 2021 and June 30, 2022 must be closed by August 15, 2023 .	Pg. 107	N/A
Evaluate the Use of Lower-Level Sanctions & Expungement: The Monitoring Team recommends that the Trials Division revise its protocols, in consultation with the Monitoring Team, to limit the circumstances in which low-level sanctions and expungement may be utilized, to be implemented no	Pg. 107	N/A

Recommendations	April 3 Report Page Reference	April 24 Report Page Reference
later than July 30, 2023 .		
Revise Command Discipline Procedures: Expanded use of Command Disciplines necessitates vigilance by the Department to ensure this process has integrity and is not abused. This includes appropriate oversight of the revised Command Discipline process to ensure cases are processed and not dismissed due to procedural errors. Further, oversight of the outcome of CDs is necessary to ensure that they reach appropriate outcomes and do not simply default to the lowest level sanction (despite evidence to the contrary). Appropriate mechanisms must be in place to ensure that cases that require formal discipline are referred. There must be sufficient oversight to ensure that if a staff member has exceeded the number of allowable CDs in a given time period that the cases are referred for MOCs. Finally, an appropriate tracking system for CD appeals must also be developed by the Legal Division.	Pgs. 107-108	N/A
Resolution of Medical Incompetence Cases: The Trials Division must resolve the medical incompetence cases brought between October 1, 2022 and March 31, 2023 for active staff and that are still pending by August 31, 2023 .	Pg. 35	N/A
Staffing for Trials Division: The City and Department must continue to vigorously recruit necessary staff for the Trials Division. While progress has been made, the number of staff is still not sufficient to manage the caseload and process cases in a timely manner. As part of this effort, the Monitoring Team also continues to strongly recommend that the City and Department afford staffing in the Trials Division an opportunity to work remotely. Even if permitted for only a few days per week, this benefit would support the overall recruitment efforts of qualified candidates.	Pgs. 108-109	N/A
Staffing for OATH: OATH must continue to evaluate its staffing needs to determine whether additional staff are necessary to support the timely resolution of disciplinary matters.	Pg. 206	N/A
Management of Uniform Staffing		
Finalization of Sick/Leave and Absence Control Policies: Revise and implement the Sick Leave and Absence Control by May 15, 2023 .	Pg. 35	N/A
Finalization of Medically Modified/Restricted Policies: Revise and implement Medically Modified/Restricted procedures by June 30, 2023 .	Pg. 35	N/A
Management of SMART Unit: Recruit and hire a manager of the SMART unit.	Pg. 35	N/A
Overall Hiring of Staff		
Overall Recruitment for Department: The Monitoring Team continues to strongly encourage the	Pg. 117	N/A

Recommendations	April 3 Report Page Reference	April 24 Report Page Reference
Department to develop a remote work option, even for a few days per week, for staff with amenable job responsibilities as it would greatly enhance the Department's ability to attract qualified candidates.		
Management of Nunez Matters		
Department Coordination with Nunez Monitor: Dedicate additional resources to supporting the work of the Monitoring Team to ensure information is provided in a timely manner.	Pg. 114	N/A
Management of Nunez Matters: Identify an individual to manage the Department's overall compliance efforts with the Court's orders. An incredibly unique skill set is required. This individual must have appropriate and recognized authority, a command of the Department's entire operation, and a nuanced understanding of the requirements in the various Court orders in this matter. Their core tasks are to set priorities and resolve conflicts within those priorities that may demand the same resources; anticipate potential barriers to implementation; communicate proactively with the Monitoring Team regarding upcoming initiatives, progress and obstacles encountered; and respond to the Monitoring Team's feedback and ensure it is incorporated into practice.	Pgs. 114-115	N/A
EISS		
E.I.S.S. Access to Information: E.I.S.S. staff must have timely access to the relevant information on staff backgrounds so that they can obtain a complete understanding of the staff's practices prior to placement in E.I.S.S., and to ensure that the monitoring plans are tailored to address the underlying conduct that may have resulted in the staff's placement on probation or any issues raised during the screening of newly promoted staff. The Monitoring Team recommends information is shared with E.I.S.S. as efficiently as possible—including materials which identify concerns raised during the screening process for newly promoted supervisors.	Pg. 174	N/A
Staffing for E.I.S.S.: The unit currently has three open positions for civilian employees, but progress towards filling these roles has been on pause as the ADW positions were filled. The Monitoring Team strongly recommends that recruiting additional civilians to support this work should resume given the current strain on uniformed resources.	Pg. 175	N/A

APPENDIX B:

**REDLINE OF
MONITORING TEAM'S
RECOMMENDATIONS**

Monitoring Team Recommendations to Address Certain Initiatives*Updated April 25, 2023*

The chart below provides a comprehensive list of the recommendations that the Monitoring Team has made to address certain initiatives in the Action Plan and were discussed in the April 3, 2023 and April 24, 2023 Status Reports. Certain recommendations from the April 3, 2023 Monitor's Report have been revised because the Monitoring Team has obtained additional information that has necessitated revisions to the original recommendations (e.g. as discussed in this report), additional clarity to the recommendation was needed, or further consideration by the Monitoring Team led to the need for modification or alteration to a recommendation. This chart is the complete and current set of recommendations from the Monitoring Team and overrides any recommendations otherwise described in the April 3, 2023 Monitor's reports.

Recommendations	April 3 Report Page Reference	April 24 Report Page Reference
Security Practices		
Improved Security Practices: Improved security practices, reducing the use of excessive and unnecessary force, and the resulting improvement in facility safety is undoubtedly the most important aspect of advancing the reforms and achieving compliance with the Consent Judgment. It is for this reason that the requirements enumerated in the Action Plan § D. (Security Practices) must remain a top priority.	Pgs. 36-63	N/A
Investigations		
Deputy Commissioner of ID: Recruit an appropriately qualified, permanent Deputy Commissioner of ID.	N/A	Pg. 7
Improve Quality of Investigations: ID, in consultation with the Monitoring Team, must implement a concrete plan to improve the quality of investigations going forward.	N/A	Pgs. 4-7
<u>Conducting Investigations Without Fear or Favor: investigators and supervisors must be advised that investigations are to be conducted without fear or favor, that the requirements of the Consent Judgment are to be adhered to, and that all staff within ID are encouraged to work collaboratively with</u>	<u>N/A</u>	<u>Pg. 7</u>

Recommendations	April 3 Report Page Reference	April 24 Report Page Reference
<u>the Monitoring Team.</u>		
Improved Training: <u>Improve training curricula for new investigators and for ID refresher training to ensure they are consistent with the requirements of the Court's orders and directly address the concerning practices identified in 2022 and 2023.</u>	N/A	Pg. 6
Quality Assurance Program: <u>A quality assurance program must be instituted to assess those use of force investigations that are closed with no action.</u>	N/A	Pg. 6
Re-evaluate Certain 2022 and 2023 Investigations: ID must reevaluate certain 2022 and 2023 investigations where additional scrutiny is merited to ensure the robust identification of all staff misconduct. ID, in consultation with the Monitoring Team, shall develop appropriate criteria to identify such cases.	N/A	Pg. 7
Assignment of ID Investigators: The number of ID investigators and supervisors dedicated to working on UOF investigations must be significantly increased by either: (1) re-assigning investigators from SIU to ID, and (2) through aggressive recruitment efforts. In particular, to entice candidates to work at the Department, the City will likely need to further increase the salary and/or benefit package available to investigators given that initial efforts have not resulted in the number of candidates needed to fully staff ID.	N/A	Pg. 9
Intake		
Appoint Dedicated Leadership of Intake Department-Wide: A dedicated leader should be appointed to manage the Department's intake functions (<i>see</i> pg. 88 of the April 3, 2023 Monitor's Report).	N/A	Pg. 13
Implementation of ITS to Track Intra/Inter-Facility Transfers: Support the roll-out of ITS tracking and the Dashboard at all facilities to ensure they are incorporated into practice-, <u>including that each facility have clear procedures and appropriate working space to ensure staff can accurately enter data into ITS, regardless of competing priorities.</u> As part of this work, the Department should begin to assess <i>why</i> staff in each facility are not utilizing the ITS tracking as they have been trained to do. While stating expectations and training staff are important components of implementation, they are often insufficient unless they are informed by an understanding of what gets in the way of meeting the expectations. The facilities vary in size and intake traffic and experience different obstacles and barriers to compliance. The Monitoring Team recommends that the Department assess <i>what</i> kind of operational changes are needed to respond to these barriers and <i>how</i> they may be implemented to increase compliance within	N/A	Pgs. 13-14

Recommendations	April 3 Report Page Reference	April 24 Report Page Reference
each facility's intake. This should also include On-the-Ground Oversight described on page 85 of the April 3, 2023 report.		
Management of the Quality Assurance Process for New Admissions and Inter/Intra Facility Intake Data: The Department must identify <i>practical</i> quality assurance strategies, in consultation with the Monitoring Team, for assessing whether staff are following established procedures (<i>see</i> pgs. 84- to 87 of the April 3, 2023 Monitor's Report). Most recently, the Deputy Commissioner of Operations' staff has initiated a few procedures intended to assess compliance with tracking requirements. A Facility Operations Team consisting of uniformed staff from the Deputy Commissioner of Classification's office has been monitoring the operation of the intake units. They are ideally suited to the task described above. As that work unfolds, the Monitoring Team recommends that formal protocols are developed that document any findings or recommendations identified by the team and what is communicated to the facilities, along with the responses received from the facilities. Further, the Legal Division has endeavored to collect relevant data. However, neither effort has been particularly formulaic, and the results of these efforts have not been compiled in a meaningful way that could establish appropriate proof of practice or be verified by the Monitoring Team. The Monitoring Team recommends that the Nunez Compliance Unit ("NCU") be engaged in collecting and managing the various data and information that is prepared by the Deputy Commissioner of Operations office and Legal Division about the various initiatives underway so the information can be consistently and routinely reviewed. NCU's specific expertise and dedicated resources are well suited for this task to obtain the relevant information, analyze it and routinely evaluate and report out findings.	N/A	Pgs. 14-15
Additional Reporting by the Department: Given the current state of affairs, the Monitoring Team recommends that the City and Department file two additional reports on the status of intake before the next Monitor's Report, one on May 17, 2023 and another on June 16, 2023 .	N/A	Pg. 15
ESU⁴		
ESU Leadership and Staffing: ESU must be reconstituted to include leadership that embraces the	N/A	Pg. 18

⁴ These recommendations apply to the Emergency Services Unit or any unit that may serve the same function, but may utilize a different name.

Recommendations	April 3 Report Page Reference	April 24 Report Page Reference
goals of the Consent Judgment and that directs its staff to manage crises in ways that reduce harm rather than amplify it		
Training ESU Staff: Create and implement the two-day in-service refresher training for ESU (and SRT) in consultation with the Monitoring Team. ⁵	N/A	Pg. 18
Revise ESU Screening Policy: Revise Operations Order 24/16 (Special Unit Assignment) to eliminate the loopholes identified in the April 3, 2023 Monitor's Report.	N/A	Pg. 18
Screening Procedures for Assignment of ESU: Improve processes for screening, and the individuals appointed to conduct said screenings, and ensuring adequate oversight to ensure that the screenings are appropriate and reliable and are not susceptible to potential malfeasance	N/A	Pg. 18
Screening of Staff Assigned to ESU: Screen all current ESU staff (both permanent and support teams) for suitability of assignment.	N/A	Pg. 18
Revise ESU CLOs: Relevant ESU's command level orders related to use of force must be updated, in consultation with the Monitoring Team.	N/A	Pg. 18
Supervision		
<u>Assistant Commissioners of Operations: On-board the new Assistant Commissioners of Operations as quickly as possible to provide the long-awaited leadership, expertise and hands-on/eyes-on supervision that the facilities need to truly begin their culture change.</u>	<u>Pg. 221</u>	<u>N/A</u>
Deployment of Supervisors: Complete efforts to redeploy supervisors to the facilities and to ensure their presence throughout evenings and weekends to properly oversee staff assignments and to provide much needed on-the-ground coaching and guidance to officers.	Pg. 035	N/A
Support for Supervisors: Department must make it a high priority for the Deputy Wardens and Wardens to actively supervise and provide in-service training to these newly promoted ADWs to ensure that the quality of the supervision improves.	Pg. 136	N/A
Facility Leadership: The Assistant Commissioners of Operations must be on-boarded as quickly as possible to provide the long-awaited leadership, expertise and hands-on/eyes-on supervision that the	Pg. 221	N/A

⁵ Consultation with the Monitoring Team on this training has already been initiated by the Deputy Commissioner of Training.

Recommendations	April 3 Report Page Reference	April 24 Report Page Reference
facilities need to truly begin their culture change. This mentorship and support is acutely necessary starting with the DW, ADW and Captain ranks such that they can properly motivate, guide and shape the practices of their subordinates. Five Assistant Commissioners of Operations are scheduled to begin work in April 2023.		
Screening/Promotions		
Evaluation of Candidates for Promotion: Carefully evaluate candidates for Deputy Warden to determine if a candidate without one-year jail experience is appropriate for promotion. While there may be candidates for which this exception is appropriate (e.g., the Executive Director of the Classification Unit), supervision experience in the jails is a key component in understanding and assessing the facility operations and practices that underpin this work.	Pg. 212	N/A
Revise Screening Policy: The erroneous removal of the provision regarding the ranking of outstanding candidates should be reinstated in the Department's screening policy.	Pg. 212	N/A
Scrutinize ADWs not Recommended for Promotion: The Department should carefully scrutinize the 12 recently promoted staff with concerning screening information, provide necessary support to these staff while they are in their 1-year probationary period, and closely review and assess any misconduct (use of force or otherwise) before their probationary period expires.	Pg. 216	N/A
Revise Screening Policy: The Monitoring Team recommends that the Department improve the rigor of its screening procedures and revise its Pre-Promotional Screening policy, in consultation with the Monitoring Team, to address the concerns identified in the April 3, 2023 Monitor's Report.	Pg. 216	N/A
Discipline		
Eliminate the Backlog of UOF Disciplinary Cases Pending 1 Year or More from the Incident Date: The Monitoring Team recommends that all pending use of force disciplinary cases that occurred between January 1, 2021 and June 30, 2022 must be closed by August 15, 2023 .	Pg. 107	N/A
Evaluate the Use of Lower-Level Sanctions & Expungement: The Monitoring Team recommends that the Trials Division revise its protocols, in consultation with the Monitoring Team, to limit the circumstances in which low-level sanctions and expungement may be utilized, to be implemented no later than July 30, 2023 .	Pg. 107	N/A
Revise Command Discipline Procedures: Expanded use of Command Disciplines necessitates vigilance by the Department to ensure this process has integrity and is not abused. This includes	Pgs. 107-108	N/A

Recommendations	April 3 Report Page Reference	April 24 Report Page Reference
appropriate oversight of the revised Command Discipline process to ensure cases are processed and not dismissed due to procedural errors. Further, oversight of the outcome of CDs is necessary to ensure that they reach appropriate outcomes and do not simply default to the lowest level sanction (despite evidence to the contrary). Appropriate mechanisms must be in place to ensure that cases that require formal discipline are referred. There must be sufficient oversight to ensure that if a staff member has exceeded the number of allowable CDs in a given time period that the cases are referred for MOCs. Finally, an appropriate tracking system for CD appeals must also be developed by the Legal Division.		
Resolution of Medical Incompetence Cases: The Trials Division must resolve the medical incompetence cases brought between October 1, 2022 and March 31, 2023 for active staff and that are still pending by August 31, 2023.	Pg. 35	N/A
Staffing for Trials Division: The City and Department must continue to vigorously recruit necessary staff for the Trials Division. While progress has been made, the number of staff is still not sufficient to manage the caseload and process cases in a timely manner. As part of this effort, the Monitoring Team also continues to strongly recommend that the City and Department afford staffing in the Trials Division an opportunity to work remotely. Even if permitted for only a few days per week, this benefit would support the overall recruitment efforts of qualified candidates.	Pgs. 108-109	N/A
Staffing for OATH: OATH must continue to evaluate its staffing needs to determine whether additional staff are necessary to support the timely resolution of disciplinary matters.	Pg. 206	N/A
Management of Uniform Staffing		
Finalization of Sick/Leave and Absence Control Policies: Revise and implement the Sick Leave and Absence Control by May 15, 2023.	Pg. 35	N/A
Finalization of Medically Modified/Restricted Policies: Revise and implement Medically Modified/Restricted procedures by June 30, 2023.	Pg. 35	N/A
Management of SMART Unit: Recruit and hire a manager of the SMART unit.	Pg. 35	N/A
Overall Hiring of Staff		
Overall Recruitment for Department: The Monitoring Team continues to strongly encourage the Department to develop a remote work option, even for a few days per week, for staff with amenable job responsibilities as it would greatly enhance the Department's ability to attract qualified candidates.	Pg. 117	N/A
Management of Nunez Matters		

Recommendations	April 3 Report Page Reference	April 24 Report Page Reference
Department Coordination with Nunez Monitor: Dedicate additional resources to supporting the work of the Monitoring Team to ensure information is provided in a timely manner.	Pg. 114	N/A
Management of Nunez Matters: Identify an individual to manage the Department's overall compliance efforts with the Court's orders. An incredibly unique skill set is required. This individual must have appropriate and recognized authority, a command of the Department's entire operation, and a nuanced understanding of the requirements in the various Court orders in this matter. Their core tasks are to set priorities and resolve conflicts within those priorities that may demand the same resources; anticipate potential barriers to implementation; communicate proactively with the Monitoring Team regarding upcoming initiatives, progress and obstacles encountered; and respond to the Monitoring Team's feedback and ensure it is incorporated into practice.	Pgs. 114-115	N/A
EISS		
E.I.S.S. Access to Information: E.I.S.S. staff continue to coordinate with various stakeholders in the agency to gain <u>must have timely</u> access to the necessary <u>relevant</u> information on staff backgrounds so that they can obtain a complete understanding of the staff's practices prior to placement in E.I.S.S., and to ensure that the monitoring plans are tailored to address the underlying conduct that may have resulted in the staff's placement on probation or any issues raised during the screening of newly promoted staff. The Monitoring Team recommends this coordination is prioritized and information is shared with E.I.S.S. as efficiently as possible—including materials which identify concerns raised during the screening process for newly promoted supervisors.	Pg. 174	N/A
Staffing for E.I.S.S.: The unit currently has three open positions for civilian employees, but progress towards filling these roles has been on pause as the ADW positions were filled. The Monitoring Team strongly recommends that recruiting additional civilians to support this work should resume given the current strain on uniformed resources.	Pg. 175	N/A